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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,874	09/23/1999	FERDINAND ENGEL	00124/024001	5265

23483 7590 09/24/2002

HALE AND DORR, LLP  
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BOSTON, MA 02109

EXAMINER

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ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



ART UNIT	PAPER NUMBER
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DATE MAILED:

Below is a communication from the *EXAMINER* in charge of this application  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

### **ADVISORY ACTION**

☒ THE PERIOD FOR REPLY:

- THE PERIOD FOR REPLY:
- a) ☒ will expire two (2) months from the date of the final *Office of appeal* action (including extensions of time granted).
- b) ☐ expires either (1) three months from the mail date of the final Office action, or (2) on the mail date of this Advisory Action, whichever is later. In no event, however, will the statutory period for reply expire later than six months from the mail date of the final Office action.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above.

- ☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's reply to the final rejection, filed 08/26/02 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.
1. ☒ The proposed amendment to the claim and/or specifications will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
  - c. ☐ They raise the issue of new matter. (See Note).
  - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The proposed amendment to claims 1, 11, 12, 21 add limitations (preventing shooting instead of identify failure); claims 12, 30 (host computer include a processor ... execute by said processor cause said computer...) change the scope of the claims. These limitations were never previously presented and require further consideration and search.

2. ☐ Newly proposed or amended claim require further consideration and review would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claim allowed: NONE

Claims objected to: NONE

Claims rejected: 1-31

However;

- ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because of the reasons given in the "NOTE" above

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.
- ☐ Other \_\_\_\_\_
- DIEU MINH LE**  
**PRIMARY EXAMINER**  
*[Signature]*

Applicant may obtain further examination by filing a request for an application under 37 CFR 1.53(d) (CPA).